

**BOARD OF HEALTH**  
**Room 318: Bangs Community Center**  
**Minutes**

April 29, 2010

BOH Members: David Ahlfeld, Maria Bulzacchelli, Nancy Gilbert, David Kaufman,  
Sandy Sulsky

Staff: Julie Federman, Pamela Field-Sadler

Other: Kay Zlogar-Town Manager's Office, Mark Jackson-Amherst Regional High School  
Principal, Barry Roberts-Owner, 389-391 State Street, William J. Sieruta, P.E., Alan  
Weiss-Cold Spring Environmental, Alan Root-Ann Whalen Apartments

**Meeting opened at 7:05 p.m.**

**I. Review & Receive**

**A. Meeting Minutes**

1. Meeting Minutes from March 25, 2010 – **Approved as written**

**II. New Business**

**A. Discussion: Smoking on School Property**

Amherst Regional High School Principal Mark Jackson in attendance. Chairman Ahlfeld explained in reviewing the Amherst Environmental Tobacco Regulation, the Board of Health (BOH) had received a written comment suggesting the proposed regulation amendments include language banning smoking within 200' of school property. Mr. Jackson explained the current student smoking area allows for students to be seen from the school; keeps students off private property, and keeps students out of the bus traffic. Anti-smoking education is provided at the high school during Health class which is offered to 10<sup>th</sup> grade students for one trimester, as well as through literature available in the nurses' office. Ms. Federman explained in the past, the Health Department had a tobacco counselor on staff which was a terrific tool in helping support cessation work at the high school. The suggestion was made of the possibility of enlisting UMASS Public Health students to provide community service to the high school around this issue; the BOH provided Mr. Jackson with some contacts at UMASS. Ms. Federman will also forward the contact information for Shirley Mietlicki from UMASS to Mr. Jackson. The BOH agreed not to include the 200' buffer zone in the ETS regulation at this time.

**B. Well Construction Permit Application: 21 High Point Drive**

Alan Weiss of Cold Spring Environmental in attendance.

The Board of Health (BOH) members reviewed an application for a Well Construction Permit submitted by Mr. Weiss for the property located at 21 High Point Drive. Mr. Weiss explained this is a replacement drinking water well for an existing residential property; the well needs to be moved in order

to attain the 100' separation requirement for a new septic disposal area. The construction plan meets regulation requirements.

**Motion:** Ms. Gilbert made the motion, seconded by Mr. Kaufman, to approve the Well Construction Permit application as submitted for a drinking water well on the property at 21 High Point Drive. **Vote:** Unanimous

**C. Local Upgrade Approval Request: 389-391 State Street**

Property owner Barry Roberts and William J. Sieruta, P.E. in attendance. The Board of Health (BOH) members reviewed an application for a Local Upgrade Approval for the property located at 389-391 State Street. The application includes a variance request to reduce the separation between the Soil Absorption System (SAS) and the high groundwater from 4' to 3'. Mr. Sieruta explained the existing septic system has failed and needs to be replaced.

**Motion:** Mr. Kaufman made the motion, seconded by Ms. Gilbert, to approve the Local Upgrade Approval request for 389-391 State Street including the separation variance request as submitted. **Vote:** Unanimous

Before moving on to the *Old Business* portion of the meeting, Ms. Sulsky requested the Board of Health (BOH) return to the Minutes of March 25, 2010. Ms. Sulsky requested clarification regarding Section III(A)(1) and the data to be gathered over the next year to determine smoking habits during Registered Events and who will analyze the data. Ms. Sulsky also requested clarification for Section IV(A) regarding third-hand smoke.

### **III. Old Business**

#### **A. Tobacco Regulations**

##### **1. Outdoor Spaces**

The Board of Health (BOH) reviewed the current draft Environmental Tobacco Smoke (ETS) regulation. Ms. Sulsky raised concern with Section 5(1) and who is responsible for a fine. Chairman Ahlfeld reported he consulted with Attorney Wilson regarding Section 5(1); Attorney Wilson supports the language change. The following was noted regarding the draft ETS regulation:

- The BOH agreed to proposed Option 2 to be included in Section 1
- Add resource citation for Section 1
- Insert an effective date of June 1, 2010

**Motion:** Mr. Kaufman made the motion, seconded by Ms. Sulsky to approve the *Town of Amherst Regulation Prohibiting Smoking in Workplaces and Public Places* as amended effective June 1, 2010.

**Vote:** Unanimous

##### **2. Smoking Disclosure**

Alan Root, resident of Ann Whalen Apartments, in attendance. Mr. Root requested an opportunity to address the Board of Health (BOH) and then shared his opinion regarding the proposed Smoking Disclosure regulation. The BOH reviewed the current draft Smoking Disclosure regulation and considered if the regulation provides a public health

benefit. The BOH agreed the intent of the proposed regulation has been to require landlords to disclose their smoking policies in order for current and potential renters to make informed decisions. During the discussion the following was noted:

- Landlords do not want the responsibility of enforcing a regulation
- Ms. Federman supports the possibility of the Health Department playing a role in enforcement and does not see the proposed regulation as an unfunded mandate
- Ms. Federman will contact Attorney Wilson to obtain the Smoke-Free Housing survey
- Ms. Sulsky will re-examine the draft regulation and suggest modifications
- Ms. Field-Sadler will forward the most recent draft regulation to Ms. Sulsky

#### **IV. Health Director's Report**

##### **A. Amherst Cinema**

The Amherst Cinema has begun the application process to obtain a Beer and Wine license. It is the policy of the Select Board to require an establishment licensed under the provisions of M.G.L. Chapter 138 to have available sandwiches, soups, salads, desserts, and non-alcoholic beverages until four hours before closing. The Amherst Cinema may seek a variance from the Select Board policy; Ms. Federman anticipates being asked to write a letter in regards to the food served at the theater. The Board of Health (BOH) agreed the decision regarding the provision of food items has no bearing on the BOH's opinion with respect to the sale of alcohol at the Amherst Cinema.

##### **B. Amherst Rental Units**

Some town departments, including the Health department, have begun discussions in order to evaluate the Rental Units in town and discuss how to create safer and healthier living environments. Ms. Federman reported some communities have Code Enforcement Officers to help ensure code requirements are met. An article has been submitted for the Town Meeting Warrant from a recent UMASS graduate to allow only four unrelated persons to live in a rental property.

#### **VII. Schedule Next Board of Health Meeting/Agenda Closing Date**

- A.** The next Board of Health meeting will be May 27, 2010.

**Meeting Adjourned: 9:20 p.m.**

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Pamela Field-Sadler, Management Assistant

**APPROVED:** 06/17/2010